

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KUMON NORTH AMERICA, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>C.A. No. 07 C 7254</b>
	)	
STEPS TO SUCCESS, INC.	)	JUDGE NORGLER
and PALI SHAH,	)	MAGISTRATE JUDGE SCHENKIER
	)	
Defendants.	)	
	)	

DEFENDANTS' MOTION TO COMPEL DISCOVERY, AND FOR RIGHT TO COMPLETE  
DISCOVERY AND SUPPLEMENT PRE-TRIAL STATEMENT AND EXPERT REPORT

S2S respectfully requests an order compelling Kumon to promptly respond to S2S' reasonable requests for additional discovery, and to permit S2S to supplement its pretrial and expert submissions. S2S relies on the Memorandum in Support of Motion To Compel Discovery, And For Right To Complete Discovery And Supplement Pre-Trial Statement And Expert Report, filed herewith

WHEREFORE, S2S requests and order from the court:

1. Compelling Kumon to produce:
  - a. Copies of the original Excel files submitted by S2S to Kumon as part of the E-File reporting system;
  - b. Copies of the original Excel Spreadsheet file prepared by Mr. Conran that Kumon used to base its decision to terminate the franchise agreement;
  - c. Copies of the original new enrollment application forms that S2S mailed to Kumon;

- d. the enrollment records from the other Kumon learning centers at which the following students were enrolled before transferring to S2S' Hoffman Estates learning center.:

Patel Kishan student Id # 0025010138

Saraf Anika Student ID # 0212002674 and #3843000306

Patel Shriya Student Id # 3601000341

Meehan Madelyn Id # 0092010643

Salwan Ambika Id # 0181001200

2. Granting S2S leave to depose Mr. Mino Tanabe and Lisa Welch in Chicago before trial;
3. Granting S2S leave to supplement its pretrial submissions, including appropriate references to deposition testimony; and
4. Granting leave to S2S' Fraud Examiner expert to review additional materials, including the deposition transcripts which are not yet available, in support of his opinions and, if appropriate, to amend his report.

STEPS TO SUCCESS, INC.,  
By its attorneys,

/s/ Rory A. Valas  
Rory A. Valas  
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.2

Defendants hereby certify that efforts were made including efforts through a telephonic conference on April 29, 2008 between Rory Valas, counsel for Defendants, and Danielle Keys, counsel for Kumon and e-mails including those on April 30 and May 1 to narrow the issues involved in this discovery dispute and such efforts were unsuccessful. Counsel has fulfilled the “meet and confer” requirements of the rules and the parties have been unable to reach agreement.

Signed under the penalties of perjury:

/s/ Rory A. Valas